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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,900	04/17/2001	Paul H. Mears	2-5526-001	6554

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EXAMINER

SWENSON, BRIAN L

ART UNIT PAPER NUMBER

3618

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/836,900	Applicant(s) MEARS ET AL.
	Examiner Brian Swenson	Art Unit 3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review
- 3) ☒ Information Disclosure Statement(s) (PTO-14)
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,947,565 issued to Wood.

1. Wood shows a general-purpose trailer 10 that includes: a frame 11, 12 wheels 13 and a plurality of upward extending members 19 that include a slot 21 at the top of each member, as shown in figures 1 and 3 and in respective portions of the specification. Note, the intended use in claim 1 for “storing seed meters...” and in claim 6 the intended use “to provide a space for a forklift...” does not structurally define over the reference to Wood and further is not given patentable weight. Further, patentability is not based upon intended use alone.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of U.S. Patent No. 5,026,016 issued to Lisowski.

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2. Wood discloses a trailer that includes all the claimed limitations except for a tapered depression incorporated into the slots of the vertical members. Lisowski teaches of a retainer clip with an access slot 14 that has a pair of guide walls 34,36 that engage and retain a flange, figures 1 and 2. It would have been obvious to one of ordinary skill in the utility cart art to modify Wood's slot to incorporate guide walls to help guide a flange into the slot as taught by Lisowski.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of U.S. Patent No. 6,270,094 issued to Campbell.

3. Wood discloses a trailer that includes all the claimed limitations except for horizontal bars for storing items that contain a central opening. Campbell teaches of a wire dispensing cart 20 that has a plurality of horizontal spool mandrels 74, which hold spools in place with a removable hitch pin 76, see figure 1 and Col. 4, lines 61 to 66. It would have been obvious to one of ordinary skill in the utility cart art to modify Wood's cart to include a plurality of horizontal mandrels with removable pins for storing items with a central opening as taught by Campbell.

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of U.S. Patent No. 3,053,224 issued to Pierce.

4. Wood discloses a trailer that includes all the claimed limitations except for an apparatus to store the trailer. Pierce discloses of a trailer 10 with: wheels 36, a door 36 on one side that folds to form a ramp, see figure 6. It would have been obvious to one of ordinary skill in the art to provide a covered storage container with wheels and a ramp for protecting the seed disks from rodents, and that any storage container meeting

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these requirements and whose inner dimensions are large enough to accommodate Wood's trailer would suffice such as the trailer taught by Pierce.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,093,251 issued to Boyer, U.S. Patent No. 6,206,385 issued to Kern et al. and U.S. Patent No. 2,966,991 issued to Duffner shows the state of art for utility carts that contain a plurality of upward extending members.

U.S. Patent No. 6,422,504 issued to Elder shows the state of art for a cart that contains a plurality of horizontal members for supporting items with a central opening.

U.S. Patent No. 6,105,980 issued to Cino et al. shows the state of art for a storage container that can be removed vertically from a wheeled base.

U.S. Patent No. 4,250,601 issued to Ward and U.S. Patent No. 4,389,133 issued to Oberst shows the state of art for support structures that utilize a slot. Ward also shows a tapered opening.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (703) 305-8163. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



bls
September 18, 2002

Brian Swenson
Examiner
Art Unit 3618



BRIAN L. JOHNSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 900 9/18/02